

**In the Claims:**

Please cancel and amend the claims as follows:

Claims 1-3 (Canceled)

4. (Currently amended) The device according to claim 2 9 also comprising means for retaining a selected roll position such that the jaws can be opened from a closed position without changing the selected roll position.

Claims 5-6 (Canceled)

7. (Currently amended) The device according to claim 5 11 also comprising means for retaining a selected pitch position such that the jaws can be opened from a closed position without changing the selected pitch position.

8. (Canceled)

9. (Currently amended) The A device for performing a surgical procedure, comprising:

an elongated handle;

a pair of closeable jaws on a distal portion of the handle;

means on at least one of the jaws for ablative treatment of tissue;

means for closing the jaws on tissue;

means for adjusting roll and pitch of the pair of jaws relative to the handle,

wherein roll is manually adjustable; and

means for retaining a selected roll position such that the jaws can be closed on tissue without changing the selected roll position, wherein the means for retaining the selected roll position includes at least one detent and according to claim 8 wherein the means for retaining the selected roll position includes spring means biasing the detent.

10. (Canceled)

11. (Currently amended) The A device for performing a surgical procedure, comprising.

an elongated handle;

a pair of closeable jaws on a distal portion of the handle;

means on at least one of the jaws for ablative treatment of tissue;

means for closing the jaws on tissue;

means for adjusting roll and pitch of the pair of jaws relative to the handle, wherein pitch is manually adjustable; and

means for retaining a selected pitch position such that the jaws can be closed on tissue without changing the selected pitch position, wherein the means for retaining the selected pitch position includes at least one detent and according to claim 10 wherein the means for retaining the selected pitch position includes spring means biasing the detent.

12. (Currently amended) The device according to claim 11 wherein the range of adjustment of pitch is at least about 90 degrees.

13. (Currently amended) The device according to claim 11 wherein the jaws may be closed on tissue in a pre-selected curved or straight configuration.

14. (Previously presented) The device according to claim 13 wherein each of the jaws are manually shapeable.

15. (Previously presented) The device according to claim 14 wherein each of the jaws include at least one malleable component.

16. (Canceled)

17. (Currently amended) ~~The A device according to claim 16~~ for performing a surgical procedure, comprising,

an elongated handle, wherein the handle has a proximal longitudinal axis and a distal longitudinal axis, the distal longitudinal axis laterally offset from the proximal longitudinal axis, and wherein the handle has an “S” shape;

a pair of closeable jaws on a distal portion of the handle;

means on at least one of the jaws for ablative treatment of tissue;

means for closing the jaws on tissue; and

means for adjusting roll and pitch of the pair of jaws relative to the handle.

18. (Currently amended) The device according to claim + 17 wherein the means for closing the jaws includes a trigger mounted on the handle.

19. (Currently amended) The device according to claim + 17 wherein the means for closing the jaws includes a lock mounted on the handle that holds the jaws in a selected relative position.

20. (Previously presented) The device according to claim 19 wherein the lock is engaged by means of at least one detent.

21. (Currently amended) The device according to claim + 17 wherein the means for closing the jaws includes a means for limiting the force applied to tissue by the jaws.

22. (Previously presented) The device according to claim 21 wherein the means for limiting force includes spring means coupling the trigger and at least one of the jaws.

23. (Currently amended) The device according to claim + 17 wherein the means for closing the jaws includes a trigger coupled to at least one of the jaws by means providing progressively greater control of jaw movement as the jaws close.

24. (Previously presented) The device according to claim 23 wherein the means providing progressively greater control of jaw movement includes a link arm.

25. (Previously presented) The device according to claim + 17 wherein the means for closing the jaws includes means for closing a first, upper jaw of the pair of jaws while maintaining the second, lower jaw of the pair of jaws in a stationary position.

26. (Previously presented) The device according to claim 25 wherein a trigger is operatively coupled to the upper jaw and not the lower jaw.

27. (Currently amended) The device according to claim + 17 wherein the means for ablative treatment of tissue includes a fluid channel.

28. (Currently amended) The device according to claim + 17 wherein the means for ablative treatment of tissue includes an electrode.

Claims 29-32 (Canceled)

33. (Currently amended) ~~The A device according to claim 32~~ for performing a surgical procedure, comprising:  
an elongated handle;  
a pair of closeable jaws on a distal portion of the handle;  
means on the jaws for ablative treatment of tissue; and  
means for closing the jaws on tissue, including a movable trigger; and  
means for locking the trigger in a selected position, wherein the means for locking the trigger comprises a slide coupled to a trigger lock, wherein the trigger lock comprises at least one detent, wherein the detent comprises a ramped tooth engageable with a series of ramped teeth on the trigger, and wherein the ramped tooth is rotatable into and out of engagement by movement of the slide.

34. (Currently amended) The device according to claim 29 33 wherein the means for closing the jaws includes at least one tensioning cable.

35. (Previously presented) The device according to claim 34 wherein the cable resides within a lubricious tube.
36. (Currently amended) The device according to claim 29 33 wherein the means for closing the jaws on tissue includes at least one spring means biasing the jaws into an open position.
37. (Currently amended) The device according to claim 29 33 wherein the trigger pivots upwardly into the handle.
38. (Currently amended) The device according to claim 29 33 wherein the jaws may be closed on tissue in a pre-selected curved or straight configuration.
39. (Currently amended) The device according to claim 29 33 wherein each of the jaws are manually shapeable.
40. (Previously presented) The device according to claim 39 wherein each of the jaws include at least one malleable component.
41. (Canceled)
42. (Currently amended) ~~The A device according to claim 41 for performing a surgical procedure, comprising.~~  
an elongated handle, wherein the handle has a proximal longitudinal axis and a distal longitudinal axis, the distal longitudinal axis laterally offset from the proximal longitudinal axis, and wherein the handle has an "S" shape;  
a pair of closeable jaws on a distal portion of the handle;  
means on the jaws for ablative treatment of tissue;  
means for closing the jaws on tissue, including a movable trigger; and  
means for locking the trigger in a selected position.

43. (Currently amended) The device according to claim ~~29~~ 42 wherein the means for closing the jaws includes a means coupled to the trigger for limiting the force applied to tissue by the jaws.

44. (Previously presented) The device according to claim 43 wherein the means for limiting force includes a spring.

45. (Currently amended) The device according to claim ~~29~~ 42 wherein the trigger is coupled to at least one of the jaws by means providing progressively greater control of jaw movement as the jaws close.

46. (Previously presented) The device according to claim 45 wherein the means providing progressively greater control of jaw movement includes a link arm.

47. (Currently amended) The device according to claim ~~29~~ 42 wherein the means for closing the jaws includes means for closing a first, upper jaw of the pair of jaws while maintaining the second, lower jaw of the pair of jaws in a stationary position.

48. (Previously presented) The device according to claim 47 wherein a trigger is operatively coupled by means of a cable to the upper jaw and the lower jaw.

49. (Currently amended) The device according to claim ~~29~~ 42 wherein the means for ablative treatment of tissue includes a fluid channel.

50. (Currently amended) The device according to claim ~~29~~ 42 wherein the means for ablative treatment of tissue includes an electrode.

Claims 51-72 (Canceled)

Please add the following new claims:

73. (New) A device for performing a surgical procedure, comprising:  
an elongated handle;  
a pair of closeable jaws on a distal portion of the handle;  
means on at least one of the jaws for ablative treatment of tissue;  
means for closing the jaws on tissue;  
means for manually adjusting roll of the pair of jaws relative to the handle; and  
means for retaining a selected roll position such that the jaws can be closed on tissue without changing the selected roll position, wherein the means for retaining the selected roll position includes at least one detent and spring means biasing the detent.
74. (New) The device according to claim 73 wherein the jaws may be closed on tissue in a pre-selected curved or straight configuration.
75. (New) The device according to claim 73 wherein each of the jaws are manually shapeable.
76. (New) The device according to claim 75 wherein each of the jaws include at least one malleable component.
77. (New) The device according to claim 73 wherein the means for ablative treatment of tissue includes an electrode.
78. (New) The device according to claim 73 further comprising means for manually adjusting pitch of the pair of jaws relative to the handle.
79. (New) The device according to claim 73 wherein the handle is an elongated “S” shaped handle having a proximal longitudinal axis and a distal longitudinal axis, the distal longitudinal axis laterally offset from the proximal longitudinal axis.

80. (New) A device for performing a surgical procedure, comprising.  
an elongated handle;  
a pair of closeable jaws on a distal portion of the handle;  
means on at least one of the jaws for ablative treatment of tissue;  
means for closing the jaws on tissue;  
means for manually adjusting pitch of the pair of jaws relative to the handle; and  
means for retaining a selected pitch position such that the jaws can be closed on  
tissue without changing the selected pitch position, wherein the means for retaining the  
selected pitch position includes at least one detent and spring means biasing the detent.
81. (New) The device according to claim 80 wherein the jaws may be closed on  
tissue in a pre-selected curved or straight configuration.
82. (New) The device according to claim 80 wherein each of the jaws are manually  
shapeable.
83. (New) The device according to claim 82 wherein each of the jaws include at least  
one malleable component.
84. (New) The device according to claim 80 wherein the means for ablative  
treatment of tissue includes an electrode.
85. (New) The device according to claim 80 further comprising means for manually  
adjusting roll of the pair of jaws relative to the handle.
86. (New) The device according to claim 80 wherein the handle is an elongated “S”  
shaped handle having a proximal longitudinal axis and a distal longitudinal axis, the  
distal longitudinal axis laterally offset from the proximal longitudinal axis.

87. (New) A device for performing a surgical procedure, comprising.  
an elongated “S” shaped handle having a proximal longitudinal axis and a distal longitudinal axis, the distal longitudinal axis laterally offset from the proximal longitudinal axis;  
a pair of jaws on a distal portion of the handle, wherein the roll or pitch of the pair of jaws relative to the handle may be manually adjusted and the pair of jaws may be closed on tissue; and  
at least one ablative element on at least one of the jaws for ablative treatment of tissue.
88. (New) The device according to claim 87 wherein roll is manually adjustable.
89. (New) The device according to claim 87 wherein pitch is manually adjustable.
90. (New) The device according to claim 87 wherein the jaws may be closed on tissue in a pre-selected curved or straight configuration.
91. (New) The device according to claim 87 wherein each of the jaws are manually shapeable.
92. (New) The device according to claim 91 wherein each of the jaws include at least one malleable component.
93. (New) The device according to claim 87 wherein the ablative element includes an electrode.